

Our Ref: IM-FOI-2022-0041
Date: 3 February 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1. The grounds informing the requirement for this operation

Operation Sandwood refers to a major investigation initiated in February 2014 by Police Scotland in response to calls for the robust investigation into “allegations of criminality against police officers, forensic investigators and legal officials involved in the Lockerbie inquiry and the 2000-01 trial at the Scottish Court in the Netherlands”, submitted by the group ‘Justice for Megrahi’ (JFM).

2. The initial scope (incl. any subsequent adjustments) of investigations

The nine criminal allegations and additional material were provided by JFM. These were subsequently separated into five categories as part of the overarching investigative strategy.

3. Dates of:

- a) **Commencement:** Operation Sandwood commenced on February 2014
- b) **Completion:** The report was completed on November 2018.
- c) **Review:** No review has been undertaken and I must respond in terms of Section 17(1) of the Act: Information not held.

4. Dates and details of all publications relating to Op Sandwood, incl. but not limited to a) Interim report, b) Full report, c) any Summary report and d) Review reports

There were no reports published in respect of this operation and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

5. Who are the recipients of the Full and Summary Report once complete / on publication?

The report was submitted to the Chief Constable and a copy was provided to the Lord Advocate. This was also viewed by a senior Queen's Counsel (QC) entirely unconnected with and acting independently from the Crown Office, prior to the finalised report being submitted.

The Scottish Criminal Cases Review Commission (SCCRC) were provided with an electronic version.

6. Website / online location details for any of the published reports above

I refer you to the response at Q4 above.

7. Copies of any feedback / responses from any agency relating to Op Sandwood incl. the reports above.

No recorded information is held and accordingly I must respond in terms of Section 17(1) of the Act: Information not held.

8. How many FOI(S)A requests have been received (annually) by Police Scotland for the a) Full, b) Summary c) Review or d) any other information relating to Op Sandwood

I can advise that there have been two previous requests, one in 2017 and one in 2021.

An anonymised version of the most recent response (21-1640 refers) is available to view on the Police Scotland [Disclosure Log: 21-1640 Response](#)

9. List of public bodies and other organisations reviewed or investigated under Op Sandwood

In relation to your request for details pertaining to the related Police Scotland report, I am refusing to provide you with the information sought.

Section 16 of the Act requires Police Scotland, when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable are set out below.

Section 34(1)(b) – Investigations

Of particular relevance to the report as a whole is section 34(1)(b) of the Act, which provides that:

'Information is exempt information if it has at any time been held by a Scottish Public Authority for the purposes of an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted'

This exemption applies only to the extent that the public interest in maintaining the exemption is not outweighed by that in disclosing the information.

Whilst I accept that this investigation is of significant interest to the public and has been for many years, investigative materials including details of those under investigation will only ever be released where there are overwhelming public interest considerations for doing so and in cases where disclosure could not be argued to be potentially prejudicial - in particular to any associated criminal justice procedures.

In this respect I note that although Operation Sandwood has now concluded, a criminal case review remains ongoing.

On balance, I must conclude that the public interest lies in maintaining the exemption and refusing to provide the information sought.

Section 35(1)(a)&(b) - Law Enforcement

The information contained within the report is of potential relevance to ongoing investigations and it is therefore assessed that disclosure would prejudice the detection of crime and the apprehension and prosecution of offenders.

I would refer you to a recent (January 2021) [statement by the Lord Advocate](#) as regards the case:

'For 32 years the families of the 270 people murdered on the night of 21 December 1988 have shown dignity in the face of the loss they have suffered. Our thoughts are with them again today. The bombing of Pan Am 103 is, to this day, the deadliest terrorist attack on UK soil and the largest homicide case Scotland's prosecutors have ever encountered in terms of scale and of complexity. The evidence gathered by Scottish, US and international law enforcement agencies has again been tested in the Appeal Court; and the conviction of Abdelbaset Ali Mohamed Al Megrahi stands. After Megrahi was convicted in 2001 my predecessor as Lord Advocate, Lord Boyd of Duncansby, confirmed to the Scottish Parliament that the investigation into the involvement of others in this terrible crime would continue. I reiterate that commitment today. For almost 20 years since that date Scottish police and prosecutors have continued the search for evidence. This work will continue; and there remain suspects under active investigation.'

This exemption applies only to the extent that the public interest in maintaining the exemption is not outweighed by that in disclosing the information. Whilst I accept that this investigation is of significant interest to the public and has been for many years, investigative materials will only ever be released where there are overwhelming public interest considerations for doing so and in cases where disclosure could not be argued to be potentially prejudicial - in particular to any associated criminal justice procedures. On balance, I must conclude that the public interest lies in maintaining the exemption and refusing to provide the information sought.

10. Number of officers assigned and man hours expended on Op Sandwood together with any budget / actual costs for the operation.

By way of explanation, Police Scotland does not record the total costs involved for any specific operation or investigation. The nature of policing means that officers are deployed to wherever their services are most required. The number of officers required throughout an investigation will fluctuate throughout an enquiry and officers involved in a particular investigation, or multiple investigations, can be redeployed to other duties at any time. To explain further, officers are drawn from different areas of the Service, based on their skillsets,

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with the appropriate Division meeting the cost of their core time. As such detailed records are not held in relation to the number of officers deployed, or to detail the specific costs of any particular piece of work undertaken by them during the time period specified.

Notwithstanding the above, Police Scotland acknowledge that the staffing commitment to Operation Sandwood has been significant.

I can advise you that specific non-staffing costs including those relating to legal expenses, scientific support, travel costs and administration/stationery have been calculated retrospectively and provide an estimate cost is in the region of £40,000.

11. Please provide the postal address for the IM Dundee office.

Information Management, Police Scotland, PO Box 59, West Bell Street, Dundee DD1 9JU

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.